

REMARKS

Claims 1-4 are pending in the application. In the Office action dated June 11, 2007, claims 1-4 were rejected under 35 U.S.C. § 112, second paragraph; and claims 1-4 were rejected under 35 U.S.C. § 103(a). In view of the amendments above, and the remarks below, Applicant respectfully requests reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Rejections under 35 USC § 112

Claims 1-4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In response, Applicants have amended claims 1-4 to more definitely and particularly define the claimed subject matter. In view of the above amendments, Applicant respectfully requests the withdrawal of the rejection of claims 1-4 under 35 U.S.C. § 112.

Rejections under 35 USC § 103

Claims 1-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lu (U.S. Patent no. 5,584,097) in view of Cheng (U.S. Patent no. 6,122,800). Specifically, the Examiner suggests that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the locking device of Lu with the locking device having a single telescoping device as taught by Cheng in order to reduce the number of parts. Applicant respectfully disagrees.

However, in order to more particularly define the claimed invention, Applicant has amended claim 1 to recite that the claimed locking device for a telescopic stem for a

trolley is provided with a first handle and second handle, where the second handle is configured to lock the inner stem with respect to the outer stem by actuating the positioning of the housing when the second handle is pivoted around an axis.

Support for the amendments can be found in the specification at page 1, lines 6-21; page 3 line 27 to page 4, line 4; and in the drawings at Figure 2.

In view of the amendments above, Applicant suggests that the Examiner has failed to establish the *prima facie* obviousness of claims 1-4 for at least the reasons that the cited references fail to disclose each and every element of the claim, and that there is no motivation or suggestion to modify the teaching of the references as suggested by the Examiner.

Neither the Lu nor the Cheng reference disclose a telescopic stem having a locking device, where the stem includes an inner stem connected to a first handle, and a second handle for locking the inner stem with respect to the outer stem, where the second handle is connected to a housing via a rod running through the inner stem, so that pivoting the second handle actuates the positioning of the housing to press a conical groove of the housing into a toothed friction element that in turn is locked into a toothed blocking element.

In particular, neither the Lu reference nor the Cheng reference describes a locking mechanism with an activating mechanism that includes a handle that pivots around an axis. The Lu and Cheng handles provide mechanisms that can be activated with the single hand holding the handle. In the handle of Cheng, the mechanism is merely a small button inside the handle that releases the locking device. While this is an advantageous design for the handle of a suitcase, it is not a desirable mechanism for a

stroller or trolley. Specifically, a skilled artisan searching for an adjusting mechanism for a single stem stroller would not look at solutions appropriate for suitcases, as these would not provide sufficient safety for the passenger of the stroller. If the easy-to-employ mechanisms of Lu or Cheng were used on a stroller, there is an increased possibility of an accidental release of the internal locking device of the stem, which could be hazardous if a child is sitting or lying in the trolley.

Furthermore, Applicant suggests that a skilled artisan would not look to either Lu or Cheng for guidance in preparing the handle of a stroller, as they are directed to handles for suitcases, or trunks, such as those suitcases provided with wheels for easy transport. In such suitcases, the handle may be retracted and stored when the handle is not in use, and can then be extracted and adjustably extended when desired. This type of pulled suitcase typically includes two wheels at the bottom of the case, and trails after the user who is pulling the case along by the handle. Such suitcases are therefore typically leaned at an angle in use, and are generally more stable when the mass centre of the case is as close as possible to the ground.

A children's trolley, or stroller, is provided with four wheels and the trolley is pushed in front of the user, not dragged behind. The weight of the child's seat and other accessories such as a baby bag are generally some height above ground level, to maintain parental contact with the child and to provide storage room on the stroller below the seat or baby bed. In addition, a child is prone to movement, sometimes violent movement, while occupying a stroller. For all these reasons, the stroller must provide stability in every aspect of its construction and operation.

The requirements for providing an adjustable handle solution for a suitcase as

described by Lu will therefore be quite different, and far less demanding, than the requirements for providing an adjustable and safe handle solution for a stroller, and the combination of Lu and Cheng under 35 U.S.C. § 103 is therefore improper.

Even if an artisan of ordinary skill were to attempt to combine Lu and Cheng to create a new handle, they would not be led to the claimed locking device. The handle of Lu is provided with a main handle (10) and an adjusting bar (20). When a user pulls the adjusting bar (20) towards the main handle (10), the locking mechanism or controller (50) is released. If a skilled artisan in possession of the mechanism of Lu were motivated by Cheng to remove the second stem of the handle of Lu, the result would not be the device of claim 1. Rather, the artisan would be obliged to leave at least a part of linking bar (21) in place, in order to be able to release and lock the controller (50). If a part of the linking bar (21) were to protrude from the stem below the handle, the user could easily get hooked on the protrusion, and unintentionally release the locking mechanism, or even harm themselves on the protruding and unsheltered linking bar. The resulting mechanism would therefore be highly unsatisfactory for use in combination with a stroller.

In contrast, the second handle according to claim 1 is disposed at the upper end of the inner stem, but can be remote from the handle of the stroller. Furthermore, as shown in Figure 2, the second handle can lie down against the stem at a position opposite the handle when the locking mechanism is activated and the stroller is being pushed by a parent or the like, streamlining the stroller handle and creating safer operating conditions. There is no suggestion in Lu or Cheng to modify the handle of Lu with a handle that is configured to pivot around an axis in order to activate the locking

mechanism. In fact, both references teach away from such a modification, as it would require the use of two hands in order to adjust the mechanism, while Lu and Cheng are directed to one-handed operation.

In view of the above amendments and remarks, Applicant respectfully suggests that the Examiner has failed to establish the *prima facie* obviousness of claims 1-4. Applicant therefore requests the withdrawal of the rejection of claims 1-4 under 35 U.S.C. § 103.

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned agent of record.

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